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In re Application of :
SAITO, Hisao et al. :
Application No.: 10/564,550 :
PCT No.: PCT/JP04/10430 :
Int. Filing Date: 15 July 2004 : DECISION
Priority Date: 17 July 2003 :
Attorney's Docket No.: PHIF-04054US :
For: Tape Winding Device For Wire Material, And System :
Of Manufacturing Tape-Wound Insulation Core :

This communication is issued in response to applicants' "Petition For Withdrawal of Holding of Abandonment, Or, In The Alternative, Petition To Revive An Unintentionally Abandoned Application Under 37 CFR 1.137(b)." Applicants' submission has been treated as a petition under 37 CFR 1.182 requesting that the Notification of Abandonment (Form PCT/DO/EO/909), mailed 08 January 2007, be withdrawn.

BACKGROUND

On 15 July 2004, applicant filed international application PCT/JP04/10430, claiming a priority date of 17 July 2003. The thirty-month period for paying the basic national fee in the United States expired at midnight on 17 January 2006.

On 13 January 2006, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied, *inter alia*, by the requisite basic national fee.

On 22 May 2006, the Office mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that the declaration of the inventors filed 13 January 2006 was not in compliance with 37 CFR 1.497(a)-(b) because it was not properly executed.

On 08 January 2007, the Office mailed a Notification of Abandonment (Form PCT/DO/EO/909) indicating that the instant application is abandoned for failure to respond to the Notification of Missing Requirements mailed on 22 May 2006.

On 08 January 2007, applicants submitted the instant "Petition For Withdrawal of Holding of Abandonment, Or, In The Alternative, Petition To Revive An Unintentionally Abandoned Application Under 37 CFR 1.137(b)," including the petition fee of \$1,500 required under 37 CFR 1.17(m). Applicants explained that a declaration was filed on 08 March 2006 and a response to the Notification of Missing Requirements mailed on 22 May 2006 was filed on 13 June 2006. However, because the respective documents had been filed with the incorrect U.S. Serial Number, 11/564,550 instead of 10/564,550, the documents were not matched with the correct file. Applicants further argued that although an incorrect U.S. Serial Number identified the filed documents, the submission included sufficient correct information such that the error could have been prevented by a simple review of the filed documents.

DISCUSSION

I. Petition to Withdraw Holding of Abandonment

A review of the documents filed on 08 March 2006 and 13 June 2006 show that the submitted declaration included the correct name of the inventors, invention title and PCT application serial number. Further, the submitted cover page included the correct name of the inventors, invention title, filing date and docket number. Furthermore, the cover page specifically stated that the filed documents are "[i]n response to the Notice of Missing Requirements Under 35 U.S.C. §371 in the United States Designated/Elected Office (copy attached), dated May 22, 2006." As noted, a copy of the Notification of Missing Requirements mailed 22 May 2006 was included, which clearly indicated the correct U.S. Serial Number, 10/564,550. Therefore, in view of the evidence as a whole, it is submitted that the correct serial number should be 10/564,550, hence the Notification of Abandonment, mailed on 08 January 2007, should not have been issued.

It is noted that a petition under 37 CFR 1.182 must be accompanied by a petition fee of \$400 as set forth in 37 CFR 1.17(f). As such, in view of applicants' authorization the petition fee of \$400 will be charged to Deposit Account No. 50-0481.

II. Petition To Revive An Unintentionally Abandoned Application Under 37 CFR 1.137(b)

Because the Petition to Withdraw Holding of Abandonment under 37 CFR 1.182 has been granted, the Petition To Revive An Unintentionally Abandoned Application Under 37 CFR 1.137(b) has not been considered. As such, the already paid petition fee of \$1,500 will be credited to applicants' Deposit Account No. 50-0481.

CONCLUSION

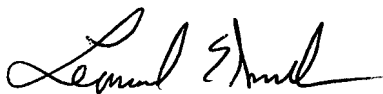
The Petition to Withdraw the Holding of Abandonment filed under 37 CFR 1.182 is **GRANTED**.

The Notification of Abandonment mailed 08 January 2007 is **VACATED**.

A Notification of Acceptance (Form PCT/DO/EO/903) will be mailed and the application will be given a date of 08 March 2006 under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being forwarded to the National Stage Processing Division of the Office of the PCT Operations for continued processing.

Any further correspondence with respect to this matter should be addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, VA 22313-1450, with the contents of the letter marked to the attention of the PCT Legal Office.



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